

Senate bill No. 4 entitled "An act to amend article 320, chapter 4, title 9 of the penal code of the State of Texas, relating to the carrying of arms in church or other assembly, and to increase the punishment for this offense."

Read second time with the following committee amendment:

Amend by striking out the word "shall" where it last occurs in the bill and inserting the words "may in addition thereto."

The committee amendment was adopted.

The bill was ordered engrossed.

Senator Kearby moved to suspend pending business and to take up out of its regular order Senate bill No. 103, entitled "An act to prohibit a recovery upon any note, mortgage, deed of trust or other lien upon real estate within this state or the sale of real estate by virtue of deeds of trust or other like instruments, unless the same has been rendered for taxes or the taxes thereon are paid."

Adopted.

And bill read second time.

Senator Kearby offered the following amendment:

Amend by adding section 5 as follows:

Section 5. There being no law whereby the holders and owners of the liens herein enumerated are prohibited from enforcing said liens upon land without paying the taxes due thereon; therefore an emergency and public necessity exists to suspend the constitutional rule requiring that bills be read on three several days and the same are hereby suspended and that this act take effect from and after its passage.

Senator Crane moved to postpone action upon the pending bill until next Wednesday.

Upon which the following vote was taken:

YEAS—13.

Atlee,	Garwood,	Maetze,
Burney,	Harrison,	Potter,
Clemens,	Kimbrough,	Stephens,
Crane,	McKinney,	Whatley.
Finch,		

NAYS—7.

Clark,	Lubbock,	Tyler,
Cranford,	Page,	Weisiger.
Kearby,		

Senator Stephens moved a call of the Senate, which was ordered.

On motion of Senator Harrison the call was suspended.

On motion of Senator Harrison the Senate adjourned to 10 a. m. Monday.

FIFTY-THIRD DAY.

SENATE CHAMBER.
Austin, March 16, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—23.

Atlee,	Glasscock,	Potter,
Burney,	Garwood,	Page,
Clark,	Johnson,	Stephens,
Clemens,	Kearby,	Sims,
Crane,	Kimbrough,	Tyler,
Cranford,	McKinney,	Whatley.
Frank,	Maetze,	Weisiger.
Finch,	Mott,	

ABSENT—None.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Kimbrough the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Maetze:

Petition of 387 citizens of Bexar, Comal, Medina and Atascosa counties demanding that all Sunday laws be repealed. Because they are a standing insult to the intelligence of all Americans. Read first time and referred to committee on State Affairs.

The following reports were handed in from their respective committees.

COMMITTEE ROOM,
Austin, March 28, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Public Lands, to whom was referred

Senate bill No. 157, being "An act to amend sections Nos. 11, 14 and 15, chapter 56, of an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university and the several asylums, and the lease of such lands and of the public lands of the State and to prevent the use, occupancy and enclosure or unlawful appropriation of such lands and prescribed and provide adequate penalties therefor approved April 1, 1887, and to provide for the trial of contests between applicants desiring to purchase such lands.

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it be considered in connection with House bill No. 140.

SIMS, Chairman.

COMMITTEE ROOM.

Austin, March 16, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 349, being "An act for the relief of C. C. Dupree, sheriff and collector of taxes of Franklin County, Texas,"

And find the same correctly engrossed.

KIMBROUGH, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Cranford:

Joint resolution to amend article 1, section 10 of the constitution of Texas.

Read first time and referred to committee on Constitutional Amendments.

By Senator Stephens (by request):

An act to amend sections 5, 8, 11, 13, 14 and 15 of an act approved April 1, 1883, providing for the sale of state school lands.

Read first time and referred to committee on Public Lands.

By Senator Kimbrough:

A bill to be entitled an act to amend an act relating to occupation taxes passed by the Twenty-first legislature and approved April 6, 1889, entitled "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes as amended March 24, 1881."

Read first time and referred to committee on Finance.

Senator Crane moved a call of the Senate, which was ordered.

The following Senators answered to their names:

PRESENT—24.

Atlee,	Garwood,	Page,
Burney,	Johnson,	Pope,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	McKinney,	Sims,
Cranford,	Maetze,	Tyler,
Frank,	Mott,	Weisiger,
Finch,	Potter,	Whatley,

On motion of Senator Kimbrough, Senator Harrison was excused for to-

day, on account of sickness.

On motion of Senator Frank, the Journal of Saturday was corrected on second page, to show that Senator Burney, and not he (Senator Frank), had moved to expunge substitute bill of Senator Seale from the Journal.

Senator Burney moved to postpone pending business and call up his motion to reconsider the vote passing

House bill No. 416, entitled "An act to validate deeds made by the town of San Elizario while acting under the general incorporation laws." Also

House bill No. 417, entitled "An act to validate deeds made by the town of Socorro while acting under the general incorporation laws."

Senator Kearby made the point of order that the motion was not in order, because Senator Burney had, at the passage of each of these bills, voted on the losing side. As to the taking effect upon its passage, and the motion to reconsider, as stated, was for the purpose of having the bill passed under the emergency clause.

Senator Page moved to reconsider the vote passing House bills Nos. 416 and 417, and asked to have that motion spread upon the Journal.

Adopted.

And on motion of Senator Burney to reconsider the vote passing House bill No. 416, it prevailed.

The bill was passed by the following vote:

YEAS—25.

Atlee,	Garwood,	Pope,
Burney,	Johnson,	Simkins,
Clark,	Kearby,	Stephens,
Clemens,	Kimbrough,	Sims,
Crane,	McKinney,	Tyler,
Cranford,	Maetze,	Townsend,
Frank,	Mott,	Whatley,
Finch,	Potter,	Weisiger,
Glasscock,	Page,	

Senator Burney moved to reconsider the vote passing House Bill No. 417. Adopted.

The bill passed by the following vote:

YEAS—25.

Atlee,	Garwood,	Pope,
Burney,	Johnson,	Pope,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Stephens,
Crane,	McKinney,	Sims,
Cranford,	Maetze,	Tyler,
Frank,	Mott,	Whatley,
Finch,	Potter,	Weisiger,
Glasscock,		

Senator Glasscock appeared in the chamber, rendered his excuse and on motion of Senator Finch was excused for absence on the call of the Senate.

ORDER OF THE DAY.

House Substitute Senate bill Nos. 1, 3 and 58, entitled "An act to establish a railroad commission for the

state of Texas, whereby discrimination and extortion in railroad charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads and to afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement."

ON SECOND READING.

Question recurred to consideration of section 11 of the bill.

Senator Sims offered the following amendment:

Amend by inserting after the word "will," end of line 9, as follows: "Of each main line, and each branch line, and all side tracks and switches."

Senator Stephens offered the following substitute:

Substitute for amendment so as to read as follows: "Including the main line, each branch line, and all side tracks and switches."

The substitute was lost.

The amendment was lost.

Senator Sims offered the following amendment:

Amend section 11, page 9 by inserting the word "right-of-way," line 11 as follows, "warehouses and all other buildings and the reasonable value of same at the time the commissioners make the report herein provided for."

Senator Potter offered the following substitute for Senator Sims' amendment: "And all other property of whatever kind."

The substitute was lost.

Senator Atlee offered the following substitute:

Add to line 13: They shall also ascertain and report what donations in money and lands have been received by each railroad, what each railroad has realized out of lands given to it by the State.

Senator Sims made the point of order that the substitute was not germane to the amendment, and was consequently out of order.

The chair ruled that the amendment would only be in order as an amendment to an amendment, and not as a substitute.

Senator Atlee withdrew his amendment.

The amendment of Senator Sims was lost by the following vote:

YEAS—6.

Glasscock,

Johnson,

Stephens,

Garwood,

Atlee,
Burney,
Clark,
Clemens,
Crane,
Cranford,

Pope,

NAYS—18.

Frauk,
Finch,
Kearby,
Kimbrough,
McKinney,
Maetze,

Sims.

Mott,
Potter,
Page,
Simkins,
Tyler,
Whatley.

Senator Weisiger announced that he was paired with Senator Lubbock on section 11. If the latter were present he would vote aye, and himself (Senator Weisiger) would vote no.

Senator Atlee offered the following amendment:

Add to line 13.

They shall also ascertain and report what donations in money and lands have been received by each railroad, what each railroad has realized out of lands given to it by the state.

Adopted.

(President pro tem. Cranford in the chair)

Senator Sims offered the following amendment:

Amend by adding after the word "cash" in line 17 as follows: "for which the bonds or obligations were sold or hypothecated."

Lost.

Senator Sims offered the following amendment:

Amend by adding after the word "address" in line 20 the words "all the rolling stock and value thereof."

Lost.

Senator Pope moved to reconsider the vote by which the amendment of Senator Sims was lost.

Adopted.

The amendment was lost.

Senator Sims offered the following amendment:

Amend by adding at the end of section 11 as follows: And the commissioners, at least once each year thereafter, make report of the changes, if any, of the matters and things mentioned in this section.

Lost.

Section 11 was adopted.

Section 12 read and considered.

Senator Stephens offered the following amendment:

Amend section 12, page 10, by striking out all after the word "refusal" in line 20 down to and including the word "section" in line 23.

Senator Page offered the following substitute, which was accepted by Senator Stephens:

Said commission may prescribe the same system of book-keeping to be observed by all railroads subject hereto under the penalties prescribed in this section, as are now prescribed by

the inter-state commission, to be observed by railroads interstate in their operations.

Senator Burney offered the following substitute for the amendment of Senator Page:

Said committee may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a reasonable period of time within which all common carriers subject to the provisions of this act shall have as near as may be a uniform system of accounts, and the manner in which such accounts shall be kept.

Which was adopted by the following vote:

YEAS—12.

Burney,	Johnson,	Simkins,
Clark,	Kearby,	Sims,
Garwood,	Kimbrough,	Stephens,
Glasscock,	Maetze,	Tyler.

NAYS—9.

Atlee,	Frank,	Page,
Clemens,	Mott,	Whitley,
Cranford,	Potter,	Weisiger.

Senator Tyler offered the following amendment to Senator Burney's amendment which was accepted by the latter:

"Under the penalties prescribed in this section"

And was lost by the following vote:

YEAS—9.

Burney,	Kimbrough,	Tyler.
Cranford,	Maetze,	Whitley.
Johnson,	Mott,	Weisiger.

NAYS—13.

Atlee,	Glasscock,	Page
Clemens,	Garwood,	Simkins,
Crane,	Kearby,	St. Johns,
Frank,	Potter,	Sims.
Finch,		

Senator Garwood offered the following amendment:

Amend by adding paragraph C to to section 12 as follows:

(C) The said commission shall have power and it is hereby made its duty to investigate all through freight rates on railroads in Texas, and when the same are, in the opinion of the commission, excessive, or levied or laid in violation of the interstate commerce law, or the rules and regulations of the Interstate Commerce commission, the officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the commission, the latter is instructed to notify the Interstate Commerce commission and to apply to it for relief.

Adopted.

Senator Glasscock offered the fol-

lowing amendment:

Amend section 12, clause a, by inserting after the word 'propounded,' in line 13, the following words: "Or give a false answer to any such question."

Adopted.

Senator Frank offered the following amendment:

Amend section 12, page 10, by inserting between the words 'necessary' and 'furnish,' in line 2, the following: "Not oftener than once every three months."

Lost.

Section 12 as amended was adopted.

Section 13 read and considered.

Senator Sims offered the following amendment:

Amend by adding after the word "commission," in line 1, page 13, the words "or officer taking his deposition."

Lost.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY SECOND LEGISLATURE,
Austin, Tex., March 16, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—I am directed to inform you that the House has passed House bill No 598, being an act to amend the charter of the city of Galveston by amending sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 95, 127, 128, 155, 156 and 157 thereof, and by adding thereto sections 6a, 18a, 39a, 72a, 73b, 78a, 95a, 100a, 128a, 130b, 132c, 164a, 169a, 174 and 175. Ayes 73, noes 1.

SAM H. DIXON,

Chief Clerk, House of Representatives.

Senator Glasscock moved to reconsider the vote by which the amendment of Senator Sims was lost.

Adopted by the following vote:

YEAS—15.

Atlee,	Johnson,	Page,
Clark,	McKinney,	Stephens,
Cranford,	Mott,	Sims,
Glasscock,	Potter,	Tyler,
Garwood,	Page,	Weisiger.

NAYS—10.

Burney,	Frank,	Kimbrough,
Clemens,	Finch,	Maetze,
Crane,	Kearby,	Whitley.

The amendment of Senator Sims was lost by the following vote:

YEAS—8.

Atlee,	Johnson,	Stephens,
Glasscock,	Potter,	Sims.
Garwood,	Pope,	

NAYS—17.

Burney,	Finch,	Page,
Clark,	Kearby,	Simkins,
Clemens,	Kimbrough,	Tyler.
Crane,	McKinney,	Whitley.
Cranford,	Maetze,	Weisiger.

Frank.

Mott,

Senator Weisiger offered the following amendment:

Amend section 13 by adding thereto the following:

The sheriff or constable executing any process issued under the provisions of this section or under any other provisions of this bill, shall receive the same fees as are now prescribed by law for similar services under writs issued by the district courts of this state as in civil cases.

Senator Stephens offered the following substitute for the amendment:

The rules of practice, evidence, issuance and service of process, and payment for issuance and service of process shall be governed by the same rules as is provided by the district courts of this state in civil cases.

Senator Page moved the previous question on the substitute and the amendment, which was seconded.

The main question was refused by the following vote:

YEAS—7.

Atlee,	Kearby	Potter,
Cranford,	Mott,	Page.
Frank,		

YEAS—16.

Burney,	Garwood,	Stephens,
Clark,	Johnson,	Sims.
Clemens,	Kimbrough,	Tyler,
Crane,	Maetze,	Whitley,
Finch,	McKinney,	Weisiger.
Glasscock,		

(The President in the chair.)

Senator Simkins made the point of order that the Senate had already decided upon the subject matter included in the substitute of Senator Stephens, and that consequently the latter was out of order. Also that it was not germane to the amendment it proposed to substitute, nor to the bill at its present consideration, which was overruled by the chair, on the ground that the Senate might consider the subject, but it was not in the power of the chair.

Senator Sims offered the following amendment to the substitute, which was accepted by Senator Stephens:

Amend substitute by adding thereto as follows: "But no such writ or process shall be void or objectionable for want of form."

The substitute as amended was lost.

The amendment of Senator Weisiger was adopted by the following vote:

YEAS—19.

Atlee,	Garwood,	Simkins,
Burney,	Kearby,	Stephens,
Clemens,	McKinney,	Sims.
Crane,	Maetze,	Tyler,
Cranford,	Mott,	Whitley,
Frank,	Page,	Weisiger.
Glasscock,		

NAYS—5.

Clark,
Finch,Johnson,
Kimbrough,

Potter,

Senator Kimbrough offered the following amendment.

Amend section 13, page 11 by eliminating the letter "s" from the end of the word "presumptions" in line 6.

Adopted.

Senator Glasscock offered the following amendment:

Amend section 13, page 11, by inserting after the the word "court" in line 14 the following: "And the commission or the railroad company may, when the witness resides without the county where the examination or investigation is pending, take the deposition of such witnesses as is now provided by law in civil cases and the party cast in the action shall pay the costs of taking such deposition."

Senator Clark offered the following substitute:

Amend by adding after the word "proceeding" in line 21, section 13, page 11, "provided the commission shall in all cases have the right in its discretion to issue proper process and take depositions instead of compelling personal attendance of witnesses."

Adopted.

The amendment as substituted was adopted.

Senator Sims offered the following amendment:

Section 13, amend by striking out in line 2 the word "outside" and insert in lieu thereof the word "in."

Lost.

Senator Potter offered the following amendment:

Amend by striking out "five" in line 3, page 11, section 13, and insert "three" in lieu thereof.

Adopted by the following vote:

YEAS—13.

Clemens,	Johnson,	Potter,
Cranford,	Kearby,	Page,
Frank,	Kimbrough,	Tyler,
Finch,	Maetze,	Whitley.
Glasscock,		

NAYS—11.

Atlee,	Garwood,	Stephens,
Burney,	McKinney,	Sims.
Clark,	Mott,	Weisiger.
Crane,	Simkins,	

Senator Sims offered the following amendment:

Amend by striking out all after the word "circumstances" in line 16 of section 13, except the amendments.

House bill No 598 entitled an Act to amend the charter of the city of Galveston by amending sections 3, 5, 14, 17, 20, 23, 28, 29, 41, 70, 78, 79, 95, 127, 128, 155, 156, 159 thereof, and by adding thereto sections 6a, 10a, 39a, 72a,

73b, 78a, 95a, 100a, 128a, 130b, 132c, 164a, 169a, 174 and 175.

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Johnson moved to adjourn to 3 p. m. this day.

Senator Potter moved to adjourn to 2:30 p. m. this day.

The motion of Senator Johnson prevailed and Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

SENATE CHAMBER,
AUSTIN, March 15, 1891. }

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—24.

Atlee,	Garwood,	Potter,
Burney,	Glascock,	Page,
Clark,	Johnson,	Simkins,
Clmens,	Kearby,	Stephens,
Crane,	Kimbrough,	Sims,
Cranford,	McKinney,	Tyler,
Frank,	Martze,	Whatley,
Finch,	Mott,	Weisiger.

Question recurred to the amendment of Senator Sims to section 13 of House substitute for substitute House bill Nos. 1, 3 and 58, entitled "An act to establish a railroad commission for the State of Texas, whereby discrimination and extortion in railway charges may be prevented, and reasonable freight and passenger tariffs may be established; to prescribe and authorize the making of rules and regulations to govern the commission and the railroads, and to afford railroad companies and other parties adequate remedies; to prescribe penalties for the violation of this act, and to provide means and rules for its enforcement."

The amendment was lost.

Senator Kearby offered the following resolution:

Amend section 13, page 11, in line 8, by adding after the word "commission" the following: Provided that no witness shall be entitled to any witness fees or mileage who is directly or indirectly interested in any railroad in this state or out of it, or who is in any wise interested in any stock, bond, mortgage, security or earnings of any such road, or who shall be the agent or employe of such road, or an officer thereof, when summoned at the instance of such railroad; provided fur-

ther not more than two witnesses to any one fact shall be entitled to fees and mileage from the state, except such witnesses as may be summoned by the state or the commission and in behalf of the state.

The following message was received from his excellency the Governor.

EXECUTIVE OFFICE,
Austin, March 16, 1891.

To the Honorable Legislature of the State of Texas:

I beg to draw your attention to the accumulation of a number of claims for services rendered in the enforcement of the quarantine law under the past administration, now remaining unpaid. The people to whom these debts are due are anxious for their money, which they are denied for want of the approval of their accounts. The outgoing governor does not feel authorized to pass on them, and it is practicably impossible for me to do so not being familiar with the facts and circumstances under which they were created. Among those presented are some that do not appear to be legal or just demands again the State, while others are.

I trust therefore that your honorable bodies will appoint a committee or auditing board to serve during the next week or two for the purpose of settling these claims so that the just ones may be paid.

Respectfully,

J. S. Hogg,
Governor.

Senator Crane offered the following substitute to the amendment of Senator Kearby:

Provided that no witness who is a party to the inquiry or investigation then being made, nor any employe of said party attending on said commission at the instance of said party shall receive any compensation as witnesses.

Withdrawn.

Senator Burney offered the following amendment to the amendment which was accepted by Senator Kearby:

"And no witness furnished with free transportation shall receive pay for the distance he may have traveled on such free transportation."

Adopted.

Section 13 as amended was adopted.

Section 14 read and considered.

Senator Garwood offered the following amendment:

Amend section 14 by adding thereto the following:

TEXAS STATE LIBRARY

Austin, Texas

But if said railroad shall prove that the violation of the law was unintentional and make reparation to the injured party and pay all costs, then it shall not be liable.

The amendment was adopted:

Section 14 as amended was adopted.

Section 15 read and considered.

Senator Sims offered the following amendment:

Amend by adding after the word "drawback," the words: "way of packing, casing, baling."

Lost by the following vote:

YEAS—10

Garwood,	Page,	Stephens,
Glascock,	Pope,	Sims,
Johnson,	Simkins,	Tyler.
Kearby,		

NAYS—13.

Burney,	Frank,	Maetze,
Clark,	Finch,	Mott,
Clemens,	Kimbrough,	Potter,
Crane,	McKinney,	Whatley.
Cranford,		

Senator Johnson offered the following amendment:

Amend by inserting after the word "indirectly" in line 1 the word "or."

Adopted.

Senator Whatley moved to reconsider the vote adopting the amendment of Senator Garwood to section 13.

Adopted.

Senator Whatley offered the following amendment to the amendment:

Amend by adding to the amendment, "provided that the injury done is repaired before suit is brought, then in that event no penalty shall be imposed."

Adopted.

The amendment as amended was adopted.

Clause "a," section 15, read and considered.

Clause "b," section 15, read and considered.

Senator Frank offered the following amendment:

Amend section 15, page 12, by adding to the end of subdivision b the following: Provided perishable freights of all kinds and live stock shall have precedent of shipment.

Adopted.

Senator Crane offered the following amendment:

Amend by inserting after the word prescribed in line 15, section 15, "by law or."

Adopted.

Clause "c," section 15, read and considered.

Senator Kearby offered the following amendment:

Amend section 15, subdivision "c," by striking out all after the word "line" in line 26 down to and including the word "points" in line 1, page 13.

Lost by the following vote:

YEAS—1.

Kearby,

NAYS—20.

Burney,	Garwood,	Page,
Clemens,	Johnson,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	McKinney,	Sims,
Frank,	Maetze,	Tyler,
Finch,	Mott,	Whatley.
Glascock,	Potter.	

Senator Clark announced that he was paired with Senator Seale. If the latter were present he would vote no, and himself (Senator Clark) would vote aye.

Clause "d" of section 15 read and considered.

Clause "h" of section 15 read and considered.

The following message was received from his excellency, the Governor:

EXECUTIVE OFFICE,
Austin, March 16, 1891.

To the Senate of the State of Texas:

I ask your advice and consent to the appointment of D. W. Gourley as inspector of hides and animals in and for Brewster county, Texas.

Respectfully,

J. S. HOGG,
Governor of Texas.

Senator Clemens offered the following amendment to the pending bill:

Amend by striking out all after the letter "H," line 9, page 13, down to and including the word "law" page 13, line 22, and insert in lieu thereof the following:

Nothing herein shall prevent the carriage, storage or handling of freight free or at reduced rates for the state or any city, county or town government, or for charitable purposes or to and from fairs and expositions for exhibition thereat; or the free carriage of destitute and indigent persons, or to the State Rangers, or the state militia in traveling to and from state militia encampments, or sheriffs when traveling in the performance of their duties, but such sheriff when traveling free or at a discount, shall not be allowed to charge any mileage whatsoever in any case; or the issuance of mileage or excursion passenger tickets, nor to prevent railroads from giving reduced rates to ministers of religion, Sisters of Charity and like organizations pursuing similar objects.

or the free transportation of inmates of hospitals, the e eemofynary and charitable institutions, and nothing herein shall be construed to prevent railroads from giving free transportation to their officers, agents, employees, attorneys, stock holders and directors, or to the railroad commissioners, their secretary, clerks and employees herein provided for; provided further, that they or either of them shall not receive from the State pay for riding over any road where such free transportation is used, and in case any railroad company desires to issue any free transportation to any railroad commissioner, their secretary, clerks or employees, they shall send the same through the Secretary of State who shall transmit the same by his letter of transmittal to the proper party, and provided further, that the issuance of any free pass or ticket other than is generally sold to the public to any legislative, executive or judicial officer, or any other officer or employee of this State, or to any district, county or municipal officer whatsoever in this State, is hereby prohibited; and any railroad company violating the provisions of this section, shall be punished by a fine of not less than one hundred nor more than one thousand dollars for each offense, and provided further, that any officer, agent or employee of any railroad company or of any receiver operating the same, who shall send or deliver any free pass or ticket herein prohibited to be issued, or who shall either verbally or in any indirect manner or by any device whatsoever, violate or assist in violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or imprisonment in jail not exceeding three months; and providing further, that any legislative, executive or judicial officer, or any other officer or employee of this State, except as herein provided, or any county, district or municipal officer in this State who shall accept or use any free pass or ticket herein prohibited to be issued by railway companies, shall be guilty of a misdemeanor, and shall be punished by a fine not less than one hundred nor more than one thousand dollars, or by imprisonment in jail not exceeding six months.

Senator Pope made the point of order that the amendment was not germane to the bill.

Senator Burney made the point of order that the amendment was unconstitutional.

The chair decided that it was in the province of the Senate and not of the chair to decide the above points of order.

Senator Stephens offered the following amendment to the amendment:

Amend the amendment of Senator Clemens by adding thereto the following:

Provided that the provisions of this section relating to free passes shall not apply to any public officers except the members of the Senate of the Twenty-second Legislature.

Senator Clemens withdrew his amendment.

Senator Stephens offered the following amendment:

Amend section 15, page 13, line 14 by striking out the words "reduced rates" and insert in line thereof the words "free transportation."

Adopted.

Senator Stephens offered the following amendment:

Amend section 15, page 13, line 16, after the word "institutions" by adding the words "and to the employees of the Agricultural and Geological departments of this State, or to peace officers of this State."

Senator Glasscock offered the following amendment to the amendment, which was accepted by Senator Stephens: "And Texas veterans."

The amendment as amended was adopted.

Senator Simkins offered the following amendment:

At the end of section "h" strike out the words "or any person prohibited by law" in subdivision "h," line 22.

Adopted.

Senator Tyler offered the following amendment:

Amend subdivision "h," section 15, by inserting in line 20 after the word "for" the words "or to any person not prohibited by law."

Adopted.

Senator Stephens offered the following amendment:

Add to end of section 15, page 13, the following: "And no railroad in this State shall charge more than 3 cents per mile for each passenger, and for children between 6 and 12 years of age no more than 1 1/2 cents per mile, and children less than 6 years of age shall be transferred free."

Senator Burney made the point of order that the subject matter of the

amendment had already been decided by the Senate, and was therefore out of order.

Overruled by the chair.

Senator Kimbrough made the point of order that the amendment had been offered before, and voted down, and was therefore out of order.

Which was sustained by the chair.

Senator Stephens withdrew his amendment, and offered the following amendment:

"And no railroad in this State shall charge more than 3 cents per mile for each passenger."

Adopted.

Senator Atlee offered the following amendment:

Amend by striking out in line 21 the words "pay for riding over any road," and insert in lieu the following: "Mile age."

Adopted.

Senator Frank offered the following amendment:

Amend section 15, page 13, by inserting before the word "state" in line 21 the word "the."

Adopted.

Section 15 as amended was adopted.

Section 16 read and considered.

Senator Frank offered the following amendment:

Amend section 16, page 13, by inserting between the words "acts" and "who" in line 23 the following: "Or any consignor or consignee."

Senator Mott offered as a substitute an amendment which was withdrawn temporarily.

The amendment of Senator Frank was lost.

Senator Mott offered the following amendment:

Amend section 16 by adding between the words "railroad" and "shall" in line 27, page 13, the following: and any person or persons who shall, knowingly, procure, accept or receive the benefit of any transportation at less than the regular rates then in force.

The amendment of Senator Mott was lost by the following vote:

YEAS—11.

Atlee,	Garwood,	Potter.
Cranford,	Johnson,	Page.
Frank,	Kearby,	Pope.
Glasscock,	Mott,	

NAYS—13.

Burney,	Kimbrough,	Stephens.
Clark,	McKinney,	Sims.
Clemens,	Martze,	Tyler.
Crane,	Smkins,	Whatley.
Fluch,		

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE.
Austin, Texas, March 16, 1891.

Hon. Geo. C. Pendleton, President of Texas.

Sir—I am directed to inform you that the House has passed House bill No. 38, Amending article 259, title 8, chapter 6 of the penal code," with engrossed amendments.

House bill No. 129, being "An act to protect stockraisers, farmers and horticulturalist, providing for the destruction of wolves and other wild animals; to make an appropriation therefor and to repeal chapter 119, relating to same subject. Approved April 2, 1887."

House bill No. 546, "An act to amend section 2, of an act to incorporate the town of Castroville. Approved January 16, 1850"—Ayes, 74; nays, none.

House bill No. 565, "An act repealing an act to incorporate the town of San Elizario in El Paso county, passed by the Twelfth Legislature. Approved April 5, 1871"—Ayes, 74; noes, none.

House bill No. 572, being "An act to amend section 5 of an act to create the county of Coke out of Tom Green county, and to provide for its organization, approved March 13, 1889."

Ayes 77, noes none.

SAM H. DIXON,

Chief Clerk House of Representatives.

Senator Atlee offered the following amendment:

"Add after railroad in line 27, words "officer or agent"

Senator Potter offered the following substitute:

Amend by inserting after the word "such" in line 27, section 16, the words "officers and agents of such."

Senator Atlee withdrew his amendment.

Senator Potter withdrew his substitute.

Senator Kearby offered the following amendment:

Amend section 16, line 26, by striking out the word "less" and insert in lieu thereof the words "a different rate."

Senator Kearby withdrew his amendment and offered the following:

Amend section 16, page 13 by adding after the word "railroad" in line 27 the following: "Or who by means of false billing, false classification false weighing, or by any device whatever, shall charge any person, firm or corporation more for the transportation of property than the regular rates

then in force on such railroad.

Adopted.

Section 16 as mended was adopted.

House bills read and referred as follows:

House bill No. 38, entitled "An act to amend article 259, title 8, chapter 6, of the penal code."

Read first time and referred to Judiciary committee No. 2.

House bill No. 129, an act to protect stockraisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal chapter 119, relating to same subject, approved April 2, 1887.

Read first time and referred to committee on Stock and Stockraising.

House bill No. 546, entitled an act to amend section 2 of an act to incorporate the town of Castroville, approved January 16, 1880.

Read first time and referred to committee on Incorporated Cities and Towns.

House bill No. 565, entitled an act repealing an act to incorporate the town of San Elizario, of El Paso county, passed by the Twelfth Legislature, approved April 5, 1871.

Read first time and referred to committee on Incorporated Cities and Towns.

House bill No. 572, entitled an act to amend section 5 of an act to create the county of Coke out of Tom Green county, and to provide for its organization, approved March 13, 1889.

Read and referred to committee on Judicial districts.

On motion of Senator Glasscock, Senator Weisiger was excused for this afternoon on account of sickness.

On motion of Senator Kimbrough, Assistant Secretary Callaway was excused today on account of sickness.

Senator Kearby moved to go into executive session.

Lost.

Section 17 read and considered.

Senator Mott offered the following amendment:

Amend section 17 by adding thereto the following:

Provided further that the penalties for any overcharge shall not be recoverable unless the party aggrieved shall give notice thereof in writing to the railway company or to any agent of said railroad in the State, and said company shall fail within ten days thereafter to refund to

the party aggrieved the amount of such overcharge.

Senator Johnson offered the following amendment to the amendment, which was accepted by Senator Mott:

Amend by striking out "the agent who demands or receives the overcharge" and insert "to any agent of said railroad in the State."

The amendment as amended was lost by the following vote:

YEAS—11.

Atlee,	Johnson,	Pope,
Clark,	Mott,	Stephens,
Cranford,	Page,	Sims,
Garwood,		

NAYS—13.

Burney,	Kearby,	Potter,
Crane,	Kimbrough,	Simkins,
Frank,	McKinney,	Tyler,
Finch,	Maetze,	Whatley.
Glasscock,		

Senator Garwood offered the following amendment:

Amend by striking out section 17.

Lost by the following vote:

YEAS—4.

Atlee,	Maetze,	Mott.
Garwood,		

NAYS—8.

Burney,	Johnson,	Pope,
Clark,	Kearby,	Simkins,
Crane,	Kimbrough,	Stephens,
Cranford,	McKinney,	Sims,
Finch,	Potter,	Tyler,
Glasscock,	Page,	Whatley.

On motion of Senator Burney, the Senate adjourned to 10 a. m. tomorrow.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, Texas, March 17, 1891. }

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following senators answering to their names: